IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2181 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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CONTONMENT BOARD-AHMEDABAD CANTONMENT

Versus

MIRABEN R RAJWADI

Appearance:

MR PC MASTER for Petitioner No. 1

RULE SERVED BY DS for Respondent No. 1

GOVERNMENT PLEADER for Respondent No. 2

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 29/06/2001

ORAL JUDGEMENT

The petitioner, the Cantonment Board, Ahmedabad has challenged the award of the Labour Court, Ahmedabad in Reference (LCA) No.1545 of 1984. The principal contention is that the award of the Labour Court is without jurisdiction, in view of the fact that the

petitioner-Board is run by the Central Government and in given set of circumstances, would fall within the definition of appropriate Government and for the purpose of Industrial Disputes, Central Government would be the appropriate Government in such circumstances. It is common ground between the petitioner and respondent No.2, represented by Mr.Bhatt that the issue regarding jurisdiction is concluded and, hence, the reference made to the Labour Court by the State Government is bad in law. It is, therefore, submitted that consequently the impugned award would be invalid. Reliance has been placed on the decision of High Court of Punjab, 1996(1) LLJ 734, in support of this submission.

2. In light of the settled legal position, we hold that the impugned award being without jurisdiction would be invalid and hence the award is quashed and set aside. The petition is according allowed.

3. We may make it clear that in case Respondent No.1 is aggrieved, she can take remedial measures against the appropriate Government by seeking reference as permitted under law.

Rule is made absolute on the aforesaid terms with no order as to costs.

(D.A. Mehta, J)
'Bhavesh'